IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Crl.MC.No. 881 of 2007()

CR NO.55/02 OF EXCISE RANGE OFFICE, VAMANAPURAM
THIRUVANANTHAPURAM DIST.

PETITIONER/ACCUSED 1 & 2:

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1. ASHAKESAN, S/O. PARAMESWARAN, ASHAKAN NIVAS
   PUTHUSSERI, MATHIRA MURI, KOTTARAKKARA TALUK,
   KOLLAM DIST.

2. VIJAYAKUMAR, S/O. DIVAKARA PANICKER
   MAVILAKATH PUTHENVEETTIL, VITTIYAM DESOM
   NEYYATTINKARA TALU, THIRUVANANTHAPURAM DIST.

BY ADV. SRI.C.C.THOMAS

RESPONDENT/COMPLAINANT:

STATE OF KERALA REP. BY EXCISE INSPECTOR
EXCISE RANGE OFFICE, VAMANAPURAM,
THIRUVANANTHAPURAM DIST. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 881 OF 2007

Dated this the 23rd day of March, 2007

ORDER

The learned counsel for the petitioners submits, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala v. Unni (**2007 (1) KLT 151 (SC)), this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained.

2. This Crl.M.C. is, in these circumstances, allowed. All proceedings in pursuance of C.R.No.55/02 of the Excise Range Office, Vamanapuram, Thiruvananthapuram, against the petitioners are hereby quashed.

(R. BASANT, JUDGE)

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